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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
Implementation of the Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996	)	CC Docket No. 96-128
The Bell Atlantic Telephone Companies Offer of Comparably Efficient Interconnection to Payphone Service Providers	)	

COMMENTS OF THE AMERICAN PUBLIC COMMUNICATIONS COUNCIL ON BELL ATLANTIC TELEPHONE COMPANIES' CEI PLAN

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SUMMARY

Bell Atlantic's CEI plan contains far too little information to enable the Commission to tell whether its plan meets the requirements of the Payphone Orders and Computer III. It is particularly important to have full CEI compliance for payphone services. Independent public payphone ("IPP") providers were denied interconnection to the network using network controls and were forced to use alternate technologies while Bell Atlantic built its embedded base of payphones using the network. In these circumstances, facially non-discriminatory service offerings can be extremely discriminatory in application and in the marketplace. For these reasons, a LEC does not comply with CEI requirements simply because it offers to IPP providers the same tariffed services that the LEC uses. For the services to be comparably efficient, they must be equally useful to both the LEC and IPP providers. Thus, the Commission must require more information, including information regarding how much of each and all payphone services Bell Atlantic will use, and scrutinize the rates and structure of Bell Atlantic's coin functionality and payphone line services.

Bell Atlantic's CEI plan is deficient in several respects regarding Bell Atlantic's tariffed "COCOT" and "coin line" services. First, Bell Atlantic has not provided federal tariffs despite the Commission's explicit directive that

> any basic network services or unbundled features used by a LEC's operations to provide payphone services must be similarly available to independent payphone providers on a nondiscriminatory, tariffed basis. Those unbundled features or functions must be tariffed in the state and federal jurisdiction.

and that

> LECs must file with the Commission tariffs for unbundled features consistent with the requirements established in the Report and Order.

Only "the basic payphone line for smart and dumb payphones" is to be tariffed exclusively at the state level.

Further, Bell Atlantic's state tariffs do not fully unbundle coin line features from the underlying line. It is thus difficult to determine with certainty the differences in rates for the "basic payphone line" and hence the rate for the coin line functionality. For example, the Commission must require Bell Atlantic to provide single rates for answer supervision service and screening service applicable to both COCOT lines and coin lines. The Commission must also require Bell Atlantic to disclose its pricing methodologies for COCOT and coin line service, to ensure that they are cost-based and nondiscriminatory and that there is no subsidy for Bell Atlantic's payphones. In one state, Pennsylvania, it is known that Bell Atlantic is using idsparate cost methodologies because coin line service costs for more on average, than COCOT service.

In addition to these tariffing issues, there are several issues that relate specifically to Bell Atlantic's offering of coin lines. While Bell Atlantic often offers coin line service "subject to the availability of facilities," Bell Atlantic does not indicate where in fact coin line service is or is not available. Bell Atlantic must disclose how it is providing payphone service in areas where coin lines are not available.

Bell Atlantic coin line tariffs also require subscribers to have their intraLATA calls rated at the same rates applicable to Bell Atlantic payphones. This limitation is patently discriminatory, utterly contrary to the FCC's competition policy, and renders the coin line largely useless to IPP providers. Operator assisted intraLATA and local calls to be routed to Bell Atlantic. The Commission's Payphone Orders make clear that the subscriber has the right to choose the carrier for operator-assisted calls and that non-emergency 0- calls should be sent to the presubscribed OSP. Forcing the PSP to give up this right in order to obtain a coin line is discriminatory and further vitiates the utility of the coin line to the IPP industry.

It is feasible for Bell Atlantic to offer a coin-line or coin-line equivalent service that is free from the above discriminations. Such a service is currently offered by Ameritech in Illinois under the name "ProfitMaster." Bell Atlantic should be required to make a similar service available generally at the same rates under which it provides coin-line service to its own payphones.

In the area of service order processing, installation, maintenance and repair service, Bell Atlantic does not make clear that its practices regarding maintenance and repair will be nondiscriminatory by explicitly stating the practice it will follow with respect to its existing base. The Commission should require Bell Atlantic to clarify that it will not share personnel with its payphone division in providing service order processing, installation, maintenance and repair service.

Bell Atlantic should be required to describe its line number assignment policies. Bell Atlantic also does not address nondiscrimination in assignment of screening codes. Under the Commission's Payphone Orders, a "discrete" screening code is required to enable interexchange carriers to track calls for compensation. To the extent that Bell

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Atlantic payphones are assigned a unique screening code, while independent payphones are provided a screening code that requires reference to an external database to ascertain that the originating line is a payphone, Bell Atlantic's CEI offering is discriminatory. Assignment of a unique screening code only to coin lines would give Bell Atlantic's payphones a tremendous advantage in the collection of per-call compensation, apparently eliminating any need for Bell Atlantic's payphone operation to rely on the time consuming and error-prone LEC verification process. Accordingly, the Commission should require Bell Atlantic to clarify that it will assign a unique screening code to IPP providers.

Finally, Bell Atlantic does not address whether intraLATA operator services used by Bell Atlantic will be part of Bell Atlantic or remain part of the regulated service. Bell Atlantic must specify what network operator functions support Bell Atlantic and how they will be available on the same basis to independent payphone providers.

The Commission should direct Bell Atlantic to refile its plan or amend it to comply with CEI requirements. The plan must then be made available for public comment for a period comparable to the comment period for the initial plan.

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COMMENTS OF THE
AMERICAN PUBLIC COMMUNICATIONS COUNCIL
ON BELL ATLANTIC TELEPHONE COMPANIES' CEI PLAN

Pursuant to the Commission's January 8, 1997 Public Notice, the American Public Communications Council ("APCC") submits these comments on the Bell Atlantic Telephone Companies ("Bell Atlantic") CEI Plan, filed by Bell Atlantic on January 6, 1997.

DISCUSSION

Bell Atlantic's CEI Plan fails in almost every respect to demonstrate compliance with the comparably efficient interconnection ("CEI") equal access parameters, nonstructural safeguards, and other applicable requirements of the Payphone Order.[1] On

1 Implementation of the Pay Telephone Reclassification and Compensation
(Footnote continued)

most issues, the plan lacks sufficient information so that the Commission (and interested parties) can evaluate whether the Commission's nondiscrimination requirements will be met. As addressed below, the Commission should require Bell Atlantic to refile its CEI plan and to provide all information required to fully assess all CEI equal access parameters and nonstructural safeguards for the provision of payphone services.[2]

Moreover, in the event that Bell Atlantic provides ***additional information*** in its reply, as BellSouth and Ameritech did with their replies after withholding it from their initial CEI submissions, then the Commission should permit interested parties the same opportunity to review it and comment on it that was provided for the initial filing. Otherwise Bell Atlantic will have effectively evaded the Commission's requirement that the CEI plans be subject to public comment.

Based on the limited information the Plan does provide, Bell Atlantic's Plan fails to comply with Payphone Order requirements in numerous respects.

A LEC must provide basic network services and unbundled functions used by its payphone operations to IPP providers on a "comparably efficient" and "nondiscriminatory"

(Footnote continued)
Provisions of the Telecommunications Act of 1996, CC Docket No. 96-128, Notice of Proposed Rulemaking, 11 FCC Rcd 6716 (1996), Report and Order, FCC 96-388, released September 20, 1996 ("Payphone Order"), Order on Reconsideration, FCC 96-439, released November 8, 1996 ("Reconsideration Order").

2 Implementation of the Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996, CC Docket No. 96-128, Notice of Proposed Rulemaking, 11 FCC Rcd 6716 (1996), Report and Order, FCC 96-388, released September 20, 1996 ("Payphone Order"), Order on Reconsideration, FCC 96-439, released November 8, 1996 ("Reconsideration Order").

basis. Comparably efficient interconnection requirements are not met simply because a LEC provides the same tariffed services that the LEC uses for its own payphone operations. These basic network services and unbundled functions must be available to IPP providers on a ***functionally equivalent*** basis; i.e., they must be ***as useful*** to IPP providers as they are to the LEC. The Commission must carefully evaluate the LEC's CEI plan to ensure that the LEC's offerings are ***effectively*** as well as ***formally*** nondiscriminatory.

As discussed below, the coin line service currently offered to IPP providers is not useful to IPP providers because it does not enable them to have calls rated at the rates they select. Moreover, while Bell Atlantic's tariffs are not clear, to the extent that they do not permit IPP providers to select their own local call timing periods, overtime charges, and directory assistance rates, the coin line service is not useful. Finally, the coin line offering is deficient because it prevents IPP providers from sending operator-assisted calls to the operator service provider ("OSP") of their choice. For these reasons[3], the

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[3] The LECs cannot satisfy either CEI or Section 276's competitive mandate by making available a single offering of network features and functionalities that forces any competitor who wants to use the network features and functionalities to compete by offering the same prices and the same package as the LEC's payphone entity. Yet, as described below, that is what Bell Atlantic proposes to do. Under any circumstances, such an offering falls short of CEI and Section 276.

Bell Atlantic's conduct is aggravated by the context in which this offering is made. Because IPP providers were denied any opportunity at all to interconnect to the coin line functions of the Bell Companies' networks, IPP providers were forced to invest in payphone instrument-based technology in order to provide the basic call rating functions and call control functions that are essential to the operation of a coin payphone. Thus, for many IPP providers it is impractical, at least in the near future, to subscribe to the coin line services that the LECs use for their own payphone operations. The IPP providers have already made substantial investment in instrument-implemented payphones and the necessary support for those instruments. Conversion to coin line service in the short run would effectively strand their investment in instrument-based technology. Unless the

(Footnote continued)

Commission must ensure that the differential between "customer owned, coin operated telephone" ("COCOT") service charges and coin line service charges reflect true costs and are nondiscriminatory.[4] [5] To the extent that Bell Atlantic has structured tariffs to provide an undue rate advantage to users of coin line service -- which as discussed above, will be predominantly Bell Atlantic payphones for the foreseeable future -- its CEI plan is effectively discriminatory and must be rejected for that reason alone. In addition, the Commission must require Bell Atlantic to offer a nondiscriminatory coin line service, a service that is useful to IPP providers, which can rate calls at the IPP provider's selected rate and can route 0+ calls to the IPP provider's selected OSP.

A LEC must provide basic network services and unbundled functions used by its payphone operations to IPP providers on a "comparably efficient" and "nondiscriminatory" basis. Thus, these basic network services and unbundled functions must be available to IPP providers on a functionally equivalent basis; i.e., they must be as useful to IPP providers as they are to the LEC. Accordingly, comparably efficient interconnection requirements are not met simply because a LEC provides the same tariffed services that the LEC uses for its

(Footnote continued)
Commission is vigilant to ensure that the LECs do not undermine IPP providers until they can effectively choose between the central office based support now being made available and phone-based technology, the LECs will be able to extend their discriminatory practices.

[4] In Bell Atlantic tariffs, "COCOT" service is called "Customer Owned Pay Telephone ("COPT") Service." Coin line service is called "SmartCoin" service.

[5] In Bell Atlantic tariffs, "COCOT" service is called "Customer-Provided Coin-Operated Telephone Service (COCOTS)" and "Customer-Provided Pay Telephone Service (CPPTS)." Coin line service is called "Network Controlled Coin Line (NCCL)" service.

own payphone operations. The Commission must carefully evaluate the LEC's CEI plan to ensure that the LEC's offerings are effectively as well as formally nondiscriminatory.

Bell Atlantic also must be required to state in its CEI plan how many of its payphones in each jurisdiction are subscribed to COCOT service and how many are subscribed to coin line service. This information is essential in order to understand the manner in which Bell Atlantic intends to provide payphone service and the extent of any discriminatory impact resulting from improper tariff structures and charges. In order for the Commission to effectively determine whether Bell Atlantic's CEI Plan has eliminated subsidies and discrimination, the Commission needs to know the extent to which Bell Atlantic continues to rely on network services that are not effectively available to independent providers.

I. TARIFFED "COCOT" AND "COIN LINE" SERVICES

A. The Plan Does Not Include Federal Tariffs For Coin Line Features

A basic CEI requirement is that the LEC must file copies of applicable federal tariffs with its CEI plan. The Reconsideration Order unequivocally requires that:

> any basic network services or unbundled features used by a LEC's operations to provide payphone services must be similarly available to independent payphone providers on a nondiscriminatory, tariffed basis. Those unbundled features or functions must be tariffed in the state and federal jurisdiction.

Reconsideration Order, ¶ 162. In the next paragraph, the Reconsideration Order states:

> LECs must file with the Commission tariffs for unbundled features consistent with the requirements established in the Report and Order.

The only service that LECs are not required to tariff at the federal level is "the basic payphone line for smart and dumb payphones." Reconsideration Order, ¶ 163.

The direct FCC review of costs that federal tariffing facilities is demonstrably a very important component of the Payphone Order safeguards. As discussed in APCC's comments on the Southwestern Bell and U S West plans, these two Bell companies have filed proposed federal tariffs for call screening and answer supervision service that demonstrate that their prices for these COCOT line features are far in excess of cost. For example, U S West's tariff submission states that call screening, priced as high as $5.00 per month, has direct costs of $.01 per line per month.

Similarly, federal tariffing of coin line functions is essential to ensure that these services, which are currently useful only to LEC payphones, are structured in a nondiscriminatory fashion and are not priced in such a way as to perpetuate illegal subsidies of LEC payphones. Bell Atlantic's plan clearly cannot be approved until all required federal tariffs have been filed and have been found to comply with Payphone Order requirements.

B. Bell Atlantic's State Tariffs Do Not Unbundle Coin Line Features From The Basic Payphone Line

As discussed above, the Commission's Order on Reconsideration made clear that "any basic network services or unbundled features used by a LEC's operations to provide payphone services must be similarly available to independent payphone providers on a nondiscriminatory, tariffed basis" at the state and federal levels, while "the basic payphone line" is to be unbundled and tariffed at the state level only. Reconsideration Order, ¶ 162. Bell Atlantic has provided tariff provisions from only one of its seven states. Further, the structure of the Bell Atlantic tariffs APCC has reviewed does not permit any effective review of the charges for various services and service elements in light of Payphone Order requirements. Specifically, Bell Atlantic has failed to tariff "the basic payphone line" separately from network services and unbundled features.

As a result, there are numerous ambiguities and inconsistencies that obstruct analysis of whether subsidies and discrimination between COCOT line services and coin line services have been eliminated. Under the Reconsideration Order, the "basic payphone line" must be tariffed at the same rate for both coin line service and COCOT line service. This requirement ensures that payphone line charges, as well as additional charges for network services and unbundled features, can be effectively analyzed to determine if they are cost-based and otherwise in compliance with Section 276 and the Payphone Order. For example, by tariffing the "basic payphone line" at a unitary rate, there is far greater assurance that LECs are using the same cost methodologies in pricing their "COCOT" line and coin line services. By tariffing features individually, and distinguishing charges for features that are common to both types of lines (such as call screening) from features that are available only with coin lines (such as call rating and coin control), there is far greater assurance that each feature will be priced based on cost.

By contrast, when the "basic payphone line" is not subject to a unitary rate, it is extremely difficult for regulators to ensure that equivalent methodologies are being used to set prices for coin line service and COCOT service, and to determine whether the COCOT service charges are priced disproportionately high in relation to cost and in relation to coin line charges.

C. Bell Atlantic's Pennsylvania Tariff Clearly Violates The Act

In at least one state, Pennsylvania, despite the lack of a unitary "basic payphone line" rate and "unbundled [coin] features or functions," analysis indicates that there is egregious discrimination between COCOT service charges and Bell Atlantic's proposed coin line service charges. (The Pennsylvania tariff pages, which Bell Atlantic failed to submit with its plan are set out in Exhibit C to the Joint Comments and Objections of the Central Atlantic Payphone Association, the New Jersey Payphone Association, the New Jersey Payphone Group and the Atlantic Payphone Association (collectively, "Payphone Associations") to Bell Atlantic's CEI Plan, filed in this Docket on February 7, 1997.) When average usage is taken into agreement, the Payphone Associations' analysis shows that COCOT service charges are approximately 60% higher on average than the coin line charges, indicating that Southwestern Bell is, in effect, offering subscribers (including, of course, its payphone division) money to take the coin line features.[6]

As discussed by the Payphone Associations, Bell Atlantic charges $12.40 per line per month for its coin line service, which bundles the dial tone line with call screening and answer supervision features, as well as coin-line only features such as call rating and coin control. Bell Atlantic charges only $6.40 for per line per month for its COCOT service,

[6] APCC supports the Payphone Associations' comments, particularly their discussion of the discriminatory nature of Bell Atlantic's Pennsylvania and New Jersey Payphone service tariffs.

but charges an additional $5.00 for call screening, $1.65 for Answer Supervision, and $1.77 for Touchtone service, when ordered with COCOT service, for a total of $14.82.[7] Thus, for coin line service, including bundled features, Bell Atlantic charges $12.40 and for COCOT service, including call screening, answer supervision and Touchtone service, Bell Atlantic charges $14.82. Even if an IPP providers orders only call screening, the comparison is $12.40 for coin lines versus $11.40 for COCOT lines.

When usage charges are considered, the comparison is even more bizarre. While COCOT lines are charged for usage, Bell Atlantic's tariff states that for its coin line is only flat rate pricing currently technically feasible. Under these disparate rate structures, as discussed in the Payphone Associations' comments, Bell Atlantic's average usage charge in Pennsylvania for COCOT lines is approximately twice as high as Bell Atlantic's flat usage rate for coin lines.

It is evident that in Pennsylvania, Bell Atlantic's proposed coin-line tariff outrageously discriminates against COCOT service, which has been used predominantly by IPP providers, and in favor of coin line service, which is currently suitable only for Bell Atlantic's payphones. See below. Such discrimination (which on its face would appear to include a heavy subsidy) indisputably violates Section 276(a) of the Communications Act.

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[7] Bell Atlantic should charge the same rate for all features that are offered with both COCOT and coin line service.

D. Bell Atlantic Must Be Required To Disclose Its Methodology For Pricing COCOT Lines And Coin Lines

Instead of charging less for coin-line service than for COCOT service, Bell Atlantic should be charging a significant increment, to recover the cost of providing the additional coin-line functionality. Otherwise there is illegal discrimination and subsidy favoring Bell Atlantic, which is the primary beneficiary of low coin line rates.[8] In some states, such as Florida, the additional charge for coin-line service ranges as high as $16 to $25. See Comments of the Southeastern Public Communications Coalition on BellSouth's CEI Plan, filed December 30, 1996, at 7.

Under Section 276 of the Act, the Commission is required to ensure that all subsidies and discrimination in favor of Bell company payphones are eliminated. As the Pennsylvania example demonstrates, satisfying the Commission's Section 276 obligations necessarily requires close scrutiny of Bell Atlantic's rate levels for the basic services offered in connection with its COCOT and coin line services, especially since coin line services, at least for the near future, can be effectively used predominantly by Bell Atlantic payphones only.[9]

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[8] Bell Atlantic charges $17.50 for the basic payphone line, $1.50 for Limited InterLATA Dialing arrangement, $1.65 for Line Side Answer Supervision and $1.50 for Outward Screening arrangement, which totals $22.15. For its coin line, which includes services comparable to Limited InterLATA Dialing, Line Side Answer Supervision and Outward Screening, Bell Atlantic charges only $22.82 per COCOT line per month. See Tariff B.P.U. - N.J. - No. 2, Exchange and Network Services, at 68.13.

[9] Such scrutiny is even more important to the extent that the coin line services are structured to prevent IPP providers from selecting their own rates and OSPs, as addressed below.

At a minimum, Bell Atlantic must disclose the rate methodologies used to develop its COCOT and coin line service charges, so that the Commission can ensure that the same pricing methodology was used for each service, and that there is no subsidy for the coin line service. If disparate pricing methodologies are used so that a lower "contribution" is provided from Bell Atlantic's coin line rates than from its COCOT line rates, this would demonstrate that Bell Atlantic is discriminating and providing a subsidy for its own payphone operation.

Moreover, the Commission requires LEC's intrastate tariffs for payphone services and unbundled features to be cost based. Reconsideration Order, ¶ 163. The cost-based rates must be determined under the Commission's new services test, which is described at 47 CFR § 61.49(g)(2). Id. at ¶ 163 n.492. Bell Atlantic's CEI plan, however, does not demonstrate how the basic payphone line charges and the rates for unbundled features set out in its state tariffs are cost based. In fact, as addressed in the comments of the Payphone Associations, Bell Atlantic's rates are apparently not even remotely cost based. For example, for screening services, Bell Atlantic charges $5.00 in Pennsylvania, but only $1.50 in New Jersey.

Accordingly, the Commission should require Bell Atlantic to disclose its methodology and demonstrate that its rates are cost based, and where necessary, require Bell Atlantic to file cost-based tariffs at the state level, before its CEI plan can be approved.

Bell Atlantic should be required to provide services such as Answer Supervision and call screening as an unbundled feature, separately from the coin line package.

Moreover, the charge for unbundled features should be the same whether used with COCOT or coin lines. The Commission should "benchmark" the unbundled services offered by one LEC against those offered by another.[10]

E. Coin Line Issues

1. Specific Call Rating

Subscriber-selected call specific rating is not available from Bell Atlantic for intraLATA toll calls. See e.g., P.S.C. Md. - No. 202, Sec. 4D at 4 ("All sent-paid intraLATA toll calls will be . . . charged at the appropriate rate specified in the Long Distance Services Tariff[s]. . . .").

As APCC, New Jersey Payphone Association ("NJPA"), and Georgia Public Communications Association ("GPCA") have previously argued, providing a coin line that rates calls only at the end user rates used by the LEC's own payphone division is patently discriminatory and spoils any utility the coin line service would otherwise have for IPP providers. See, e.g., Petition of NJPA for Partial Reconsideration and Classification, filed October 21, 1996, at 3-7. IPP providers subscribing to coin lines are effectively forced to adhere to the same rates charged by the Bell Atlantic-affiliated payphone competitor. For example, they are precluded from developing innovative rate structures such as "call anywhere in the United States for 25 cents per minute" -- an increasingly popular approach that has been shown to increase coin traffic at many payphones.

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[10] See Interconnection Order, CC Dkts. Nos. 96-98 and 95-185, FCC 96-325 (released August 8, 1996) (subsequent history omitted) and 47 CFR § 51.305(c)(3) (if interconnection is once provided at a point in a network, it is presumed feasible in similar networks).

The fact that the rate used in rating intraLATA sent-paid and local calls is specified in a Bell Atlantic tariff does not make the rate selection feature nondiscriminatory. The purpose of the rate is to apply to sent-paid payphone calls. To say that the rate is "selected" by Bell Atlantic rather than its payphone division is simply an artifice to avoid CEI compliance.

Bell Atlantic does not explain how its coin-line service treats rating for local calls. Moreover, Bell Atlantic's tariffs do not specify how local calls are rated. Bell Atlantic does not even indicate whether it permits IPPs to use their mechanism payphones to set an initial rate for local calls. Nor does Bell Atlantic make clear that it will provide network-based controls to monitor when the end user satisfies the initial rate for local calls, although presumably Bell Atlantic programs its network to use its payphone division's preferred initial time period. Nor does Bell Atlantic specify that it will program its network to an IPP's chosen over-time periods and corresponding over-time rates, although presumably Bell Atlantic sets its network to its payphone division's chosen rates and timing for over-time periods.[11]

To meet CEI requirements, Bell Atlantic must permit IPP providers to set the initial time period, the over-time periods, and ***all*** rates corresponding to these periods for

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11 An example of an initial rate is $0.25 for the first 5 minutes. An example of an overtime rate is $0.05 for each additional 3 minute period after the initial 5 minute period. Ameritech, for example, provides coin lines that only permit IPPs to set the initial rate from their payphones, but require IPPs to use Ameritech's tariffed initial timing, overtime rates and overtime timing. See Ameritech's Reply Comments on its CEI Plan for Pay Telephone Services, filed January 17, 1997 in this Docket, at 8-9. This is not comparably efficient interconnection because the payphone provider is forced to use the Ameritech rate structure.

local calls. In other words, IPP providers should not have to use the Bell Atlantic payphone division's preferred local rates. Accordingly, the Commission should require Bell Atlantic to clarify in its amended or re-filed CEI plan that payphone providers can set the initial and over-time rates and time periods for local calls, as well as for intraLATA toll calls.[12]

As the Commission recognized in the Payphone Order, the purpose of Section 276 is to promote payphone competition, and a fundamental feature of a competitive market is price competition. The Commission deregulated local coin rates because it recognized that pricing flexibility is fundamental to the development of payphone competition. It would be utterly contrary to the purposes of Section 276 if Bell companies such as Bell Atlantic are allowed to offer a "nondiscriminatory" coin line service that forces its subscribers to price payphone calls at the same rates charged at Bell Atlantic's own payphones.

Likewise, Bell Atlantic does not specify how directory assistance rates are set. Thus, Bell Atlantic should clarify in its refiled CEI plan that payphone providers can set directory assistance rates.

Bell Atlantic should be required to refile its CEI plan with instructions to make its coin line service effectively available to other IPP providers by providing that the PSP subscriber can select the rate for central office rating of intraLATA and local calls.

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12 As discussed in the filings of NJPA and GPCA in the proceedings leading to the Payphone Order, Ameritech currently provides this capability through its ProfitMaster service in Illinois.

2. Operator Service Provider ("OSP") Selection

Bell Atlantic's attached tariffs do not indicate whether subscribers to its coin-line service can select a presubscribed carrier for intraLATA O+ calls. The Commission should require Bell Atlantic to disclose whether such carrier selection is permitted.

Section 276 provides that PSPs are entitled to select the OSP for intraLATA operator-assisted calls. Therefore, if Bell Atlantic's does not permit such carrier selection, its CEI plan is inconsistent with Section 276. Further, with respect to 0- calls, the Commission has stated that while states can require that 0- calls be routed to LECs for emergency purposes, when a 0- call is not an emergency call, the call should be sent to the OSP selected by the payphone service provider ("PSP"). Payphone Order, ¶259.

Forcing a PSP to give up its right to select the presubscribed OSP in order to obtain a coin line is discriminatory and further vitiates the utility of the coin line to the IPP industry. Bell Atlantic should be required to refile its CEI plan with instructions to clarify that all operator assisted calls will be sent to the provider selected by the PSP (as is appropriate under applicable state regulation).

Bell Atlantic cannot reasonably claim that it is infeasible to allow coin line subscribers to select the presubscribed OSP or to select the rate for sent-paid intraLATA and local calls. For example, as discussed in the filings of NJPA and GPCA, Ameritech currently provides these capabilities through its ProfitMaster service in Illinois, which provides the coin rating and coin control functions that characterize coin line service, and is thus the functional equivalent of coin line service.[13]

II. SERVICE ORDER PROCESSING, INSTALLATION, MAINTENANCE AND REPAIR SERVICE

A. Generally

Bell Atlantic does not provide any significant information about the procedures it will follow regarding service order processing, installation, maintenance and repair service. Bell Atlantic essentially states that it will provide installation and repair on an equal basis. It does not describe its installation and repair procedures. Thus, there is no way to evaluate whether nondiscriminatory procedures will in fact be followed in service order processing, installation, maintenance, and repair.

Bell Atlantic's CEI Plan fails to make clear whether Bell Atlantic will follow nondiscriminatory practices with respect to location of the demarcation point. Bell Atlantic should be required to refile its plan and state its specific practices with respect to the demarcation point.

Further, the plan does not state how maintenance and repairs will be handled for the installed base, where no network interface has yet been installed. Even though no interface may have been installed yet, a demarcation point can and should be identified to

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13 The Commission should "benchmark" the unbundled services offered by one LEC against those offered by another. See Interconnection Order, CC Dkts. Nos. 96-98 and 95-185, FCC 96-325 (released August 8, 1996) (subsequent history omitted) and 47 CFR § 51.305(c)(3) (if interconnection is once provided at a point in a network, it is presumed feasible in similar networks).

determine at what point wire maintenance should be charged separately to Bell Atlantic's payphone division as "inside wire" maintenance and at what point wire maintenance may be included as part of the tariffed access service.[14]

Bell Atlantic does not address service ordering procedures involved when a location provider changes a Bell Atlantic payphone division payphone to an IPP payphone, or when an IPP provider payphone becomes a Bell Atlantic payphone division payphone. Bell Atlantic must specify its procedures so that the Commission and interested parties can assess whether service orders are treated equally in this context.

This is especially important where changes of ownership are involved. For example, if a location provider enters into a contract with Bell Atlantic's payphone division, and a contract is in place between an IPP provider and the previous owner, what procedures does Bell Atlantic follow to determine who is the location provider of record for purposes of authorizing and/or ordering service, from Bell Atlantic's perspective as a provider of local exchange service. On the other hand, what procedures one followed if the positions are reversed, and the location provider enters into a contract with an IPP, and a contract is in place between the previous owner and Bell Atlantic's payphone division? Bell Atlantic should specify the procedures it will use to resolve in a nondiscriminatory fashion

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14 The Commission only grandfathered the location of existing LEC payphones, citing the cost and difficulty of moving existing payphones. See Payphone Order at ¶ 151. The Commission also required LECs to identify whether wire maintenance costs should be allocated to regulated or deregulated operations. Contra BellSouth Reply, filed January 15, 1997 in CC Docket No. 96-128 at 27.

the conflicts that arise in this context, and to ensure that no undue preferences are given to Bell Atlantic's payphone division.

Bell Atlantic does not specify in detail the procedures to ensure that unfair marketing practices will not be employed by Bell Atlantic and its payphone division when payphones are replaced. For example, Bell Atlantic's service ordering procedures must specify that Bell Atlantic's payphone division is not notified when a new service order is placed for an IPP payphone.

Nor does Bell Atlantic state in its CEI plan whether Bell Atlantic will share personnel between its regulated operations and its payphone division.[15] To the extent that personnel sharing takes place, especially in the areas of service order processing, installation, maintenance and repair, it is far more difficult for the Commission to detect discrimination by a Bell company in favor of its payphone operation.

Bell Atlantic's CEI Plan fails to make clear whether Bell Atlantic will follow nondiscriminatory practices with respect to location of the demarcation point. Bell Atlantic should be required to amend its plan to state its specific practices with respect to the demarcation point.

If personnel are shared between Bell Atlantic payphone operations and Bell Atlantic regulated operations, then the ordering party (the payphone division) could also be the service provider (the LEC) and preferential treatment of Bell Atlantic payphone operations could occur.

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15 In fact, for example, Ameritech has committed to not sharing personnel in these areas. See Ameritech CEI Plan at 9.